THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

-

WRIT PETITION NO.28175 of 2005

Date: 23-01-2006

Between:

Northern Power Distribution Company of A.P. Limited

…Petitioner

and

Assistant Commissioner (CT) LTU and others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

–

WRIT PETITION NO.28175 of 2005

-

O R D E R (Per the Hon'ble Sri Bilal Nazki, J):

-

-

Heard learned counsel for the parties.

An order refusing grant of stay was challenged in this writ petition. In the meantime, it is submitted that the respondents have issued a garnishee notice and recovered the disputed tax. Now, the learned counsel for the petitioner has filed an application being WPMP No.167 of 2006 for amendment of the writ petition seeking recovery. We are afraid that even this application is allowed, the relief claimed by the petitioner cannot be granted as the disputed tax has already been recovered by the Department and whether the Department has recovered the amount rightly or not will be decided in the appeal, which is already pending before the appellate authority. In case, the petitioner succeeds in the appeal, he will get the refund along with interest. In this view of the matter, we think it will not survive any purpose to keep the writ petition on Board, which is accordingly disposed of with a direction to the appellate authority-the second respondent to dispose of the appeal within a period of six weeks. No order as to costs.

_____

(Bilal Nazki, J)

23rd January, 2006

_____

(D.Appa Rao, J)

vrn